

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2005-130-C - ORDER NO. 2005-344  
JUNE 20, 2005

IN RE: McClellanville Telephone Company, Inc.,	)	ORDER RULING ON
Norway Telephone Company, Inc., St.	)	ALTERNATIVE
Stephen Telephone Company, Inc. and	)	REGULATION PLAN
Williston Telephone Company, Inc. – Notice	)	
of Election of Alternative Regulation Plan.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the filing by McClellanville Telephone Company, Inc., Norway Telephone Company, Inc., St. Stephen Telephone Company, Inc., and Williston Telephone Company, Inc. (collectively, the TDS Companies) of an Alternative Regulation Plan, filed pursuant to S.C. Code Ann. Section 58-9-576 (2004). The Plan was noticed in newspapers of general circulation in the Companies' service areas. No Protests or Petitions to Intervene were filed in the matter.

Pursuant to S.C. Code Ann. Section 58-9-576(A)(2004), any local exchange carrier (LEC) may elect to have the rates, terms, and conditions of its services determined pursuant to the alternative regulation plan described in S.C. Code Ann. Section 58-9-576(B)(2004), provided the Commission (1) has approved a local interconnection agreement in which the LEC is a participant with an entity determined by the Commission not to be affiliated with the LEC; (2) determines that another provider's service competes with the LEC's basic local exchange telephone service, or (3) determines that at least two wireless providers have coverage generally available in the

LEC's service area and that the providers are not affiliates of the LEC. The TDS Companies seek a determination that condition 3 above has been met, and that the TDS Companies are therefore entitled to elect the alternative regulation plan described in the statute. The Commission will also rule on whether the submitted Plan is consistent with the statutory provisions authorizing said Plan.

First, the TDS Companies allege that there are at least two wireless providers with coverage generally available in the service areas of the Companies that are not affiliated with either Company. Further, the TDS Companies have submitted the affidavit of Scott Baxter, a telecommunications consultant. Mr. Baxter states that there are a number of wireless providers that have coverage generally available in the incumbent local service areas served by the TDS Companies. These include ALLTEL, Nextel, Sprint PCS, and Verizon, none of which are affiliated with the TDS Companies. According to the TDS Companies, the system drive test results demonstrate that ALLTEL and Verizon have generally available coverage and a good quality of service throughout the TDS Companies' service areas. Accordingly, the Companies state a belief that the condition set out in Section 58-9-576(A)(3) is satisfied.

Because of the establishment of the existence of this condition, the TDS Companies state their election of an Alternative Regulation Plan under Section 58-9-576. Further, it appears that the Plan as stated is consistent with the provisions of S.C. Code Ann. Section 58-9-576(B)(2004). The Office of Regulatory Staff does not oppose the filing. Accordingly, we make the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The TDS Companies filed an Alternative Regulation Plan pursuant to S.C. Code Ann. Section 58-9-576 (2004).

2. Under Section 58-9-576(A)(2004), any local exchange carrier may elect to have the rates, terms, and conditions of its services determined pursuant to the alternative regulation plan described in Section 58-9-576(B)(2004), provided that certain determinations are made by this Commission.

3. If the Commission determines that at least two wireless providers have coverage generally available in the LEC's service area and that the providers are not affiliates of the LEC, a LEC may elect alternative regulation under Section 58-9-576(2004).

4. At least two wireless providers have coverage generally available in the LECs' service areas, and these companies are not affiliates of the LECs before the Commission, as per Section 58-9-576(A)(3)(2004). The uncontroverted affidavit of Scott Baxter established that ALLTEL and Verizon have generally available coverage in the companies' service areas, and these companies are not affiliated with any of the TDS Companies.

5. Although we may not rule on the election of alternative regulation under Section 58-9-576(2004), we can examine the Plan filed and determine whether or not it is consistent with the statute. We have examined the Plan submitted by the TDS Companies, and hold that the Plan is consistent with the provisions of S.C. Code Ann. Section 58-9-576(B)(2004).

**ORDER**

We hereby determine that at least two wireless providers have coverage generally available in the TDS Companies' service areas, and these companies are not affiliates of any of the TDS Companies. Accordingly, the TDS Companies may elect alternative regulation under S.C. Code Ann. Section 58-9-576. The Alternative Regulation Plan proposed is consistent with the provisions of S.C. Code Ann. Section 58-9-576(B)(2004), and shall be effective as of May 30, 2005. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice-Chairman

(SEAL)